

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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In re PETER DIPIETRO,  
Plaintiff.

Civil Action 19-14031  
(NLH/AMD)

**MEMORANDUM OPINION & ORDER**

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**APPEARANCES:**

PETER DIPIETRO  
4321 ATLANTIC BRIGANTINE BLVD.  
BRIGANTINE, NJ 08203

Appearing *pro se*

**HILLMAN, District Judge**

WHEREAS, Plaintiff, Peter DiPietro, who is appearing *pro se*, submitted a document for filing styled "On Petition for a Writ of Prohibition of all actions by the corporate STATE OF NEW JERSEY, all its agencies, corporation, municipalities, and franchises"; and

WHEREAS, Plaintiff had submitted a filing fee of \$47.00, presumably in an attempt to file his "Writ of Prohibition" as a "miscellaneous paper (any document not related to a pending case or proceeding)" under Appendix K, Schedule of Fees, in the Local Rules; but

WHEREAS, on August 28, 2019, the Court issued an Order directing the Clerk to refund Plaintiff his \$47.00 because Plaintiff's filing did not qualify as a miscellaneous paper, but instead constituted a "civil action or proceeding other than an

application for writ of habeas corpus" under Appendix K, which required a \$400 filing fee, or in lieu of that, a properly supported application to proceed without prepayment of fees ("in forma pauperis application" or "IFP"); and

WHEREAS, the Court ordered that within 20 days Plaintiff was to either pay the appropriate \$400 filing fee or submit the proper IFP application to proceed without prepayment of fees, and if Plaintiff failed to submit the appropriate filing fee or IFP application within 20 days, the Clerk was to close the case;<sup>1</sup> and

WHEREAS, the filing fee or IFP application was due on September 17, 2019, but Plaintiff failed to submit the filing fee or an IFP application;

THEREFORE,

IT IS on this     7th     day of     October    , 2019

ORDERED that the Clerk shall mark this matter as CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.

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<sup>1</sup> The Court also ordered that if Plaintiff submitted the \$400 filing fee or IFP application, the Court would screen Plaintiff's filing to determine whether it fell within the scope of this Court's January 3, 2013 Order in Civil Action 1:12-2338, DiPietro v. Morisky, et al., Docket No. 28, where this Court Ordered that Plaintiff was enjoined from filing any claims in this District relating to his 2000 New Jersey state court divorce and child custody case without prior permission of the Court ("Preclusion Order").